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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/647,521

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Gerald Richter

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2280

29074

7590

08/01/2008

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EXAMINER

CIRIC, LJILJANA V

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

08/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/647,521	Applicant(s) RICHTER ET AL.	
	Examiner Ljiljana (Lil) V. Ciric	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the reply filed on April 4, 2008.
2. Claims 1 through 8, 11, and 12 remain in the application, of which all have been amended either directly or indirectly.

Response to Arguments

3. Applicant's arguments filed on April 4, 2008 have been fully considered but they are moot in view of the new grounds of rejection necessitated by amendment and presented herein.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 through 8, 11, and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (filed on July 19, 200; previously of record).

Nakagawa et al. [especially Figures 9 through 15] discloses a vehicle temperature control system 40 essentially as claimed, including, for example: a housing having an intake opening for input air upstream of blower 16 and an output opening for output air at 18 and 20; an evaporator core 12 disposed in the housing; a heater core 14 disposed in the housing downstream (at least in some modes) from the evaporator core 12 in a generally side-by-side relationship [see Figures 13-15], the second portion of the heater core 14 being closer to the output opening 20 than the first portion of the heater core 14; and, a separation wall or fixed air deflector having a first end and a second end, the first end being attached to a first portion of the heater core 14 as shown in Figures 9 and 13-15 and extending at least partially along

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the length of the heater core 14 in the space between the evaporator core 12 and the heater core 14 as also shown in the Figures; the blower 16 disposed in the housing upstream from the evaporator core 12. The separation wall also isolates a cold air portion and a hot air portion of the space between the evaporator core 12 and the heater core 14, with the cold air portion being adjacent to the evaporator core 12 and the hot air portion being adjacent to the heater core 14. The separation wall also defines a mixing channel or area for mixing, for example, cold air generated by the evaporator core 12 and hot air generated by heater core 14. The heater core 14 also has an input face and an output face, with the input face being located closer to the evaporator core 12 than the output face as shown in Figures 13-15 at least. Figure 9, for example, shows drain conduit or hole 54 formed through the housing.

While Nakagawa et al. does not disclose the output face of the evaporator core 12 substantially facing the output face of the heater core 14 nor does it show the planes defined by the evaporator core 12 and the heater core 14 as being substantially parallel, these differences are merely a matter of a rearrangement of parts due to obvious design choice and fail to modify the operation of the device. See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975).

Thus, it would have been obvious to modify the vehicle temperature control system of Nakagawa et al. by rearranging the relative positions of the evaporator core 12 and the heater core 14 in any number of ways, including by having the evaporator core 12 and the heater core 14 be parallel to each other and by having their respective output faces face each other in order to, for example, reduce the overall volume of the system and thus allow for space savings in the vehicle.

6. Alternately for claims 1 through 5, 7, 8, 11, and 12, claims 1 through 5, 7, 8, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwarz (previously of record).

Schwarz discloses a vehicle temperature control system 1 essentially as claimed, including, for example: a housing having an intake opening for input air upstream of blower 2 and an output opening

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for output air; an evaporator core 16 disposed in the housing; a heater core 50 disposed in the housing downstream from the evaporator core 16 in a generally side-by-side relationship, the second portion of the heater core 50 being closer to the output opening than the first portion of the heater core 50; and, a separation wall 30 or fixed air deflector having a first end 31 and a second end 34, the first end 31 being attached to a first portion of the heater core 50 as shown in Figure 1 and extending at least partially along the length of the heater core 50 in the space between the evaporator core 16 and the heater core 50 as also shown in Figure 1; the blower 2 disposed in the housing upstream from the evaporator core 16. The separation wall 30 also isolates a cold air portion and a hot air portion of the space between the evaporator core 16 and the heater core 50, with the cold air portion being adjacent to the evaporator core 16 and the hot air portion being adjacent to the heater core 50. The separation wall 30 also defines a mixing channel or area for mixing, for example, cold air generated by the evaporator core 16 and hot air generated by heater core 50. The heater core 50 also has an input face and an output face, with the input face being located closer to the evaporator core 16 than the input face.

While Schwarz does not disclose the output face of the evaporator core 16 substantially facing the output face of the heater core 50 nor does it show the planes defined by the evaporator core 16 and the heater core 50 as being substantially parallel, these differences are merely a matter of a rearrangement of parts due to obvious design choice and fail to modify the operation of the device. See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975).

Thus, it would have been obvious to modify the vehicle temperature control system of Nakagawa et al. by rearranging the relative positions of the evaporator core 16 and the heater core 50 in any number of ways, including by having the evaporator core 16 and the heater core 50 be parallel to each other and by having their respective output faces face each other in order to, for example, reduce the overall volume of the system and thus allow for space savings in the vehicle.

Conclusion

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric whose telephone number is 571-272-4909. The examiner works a flexible schedule, but can normally be reached weekdays between 10:30 a.m. and 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ljiljana (Lil) V. Ciric/

Primary Examiner, Art Unit 3744